

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

NEW WALLINGTON HOME, LLC, a New Jersey limited liability company; and MORNINGSIDE AT WALLINGTON, LLC, a New Jersey limited liability company,

Plaintiffs,

vs.

BOROUGH OF WALLINGTON;
BOROUGH OF WALLINGTON
PLANNING BOARD; MARK W. TOMKO,
in his official capacity as former Mayor of the Borough of Wallington; DOROTHY B. SIEK, in her official capacity as former Tax Collector for the Borough of Wallington; and CHRISTOPHER ASSENHEIMER, in his official capacity as Certified Tax Collector of the Borough of Wallington,

Defendants.

Civil Action No. 2:20-cv-08178

Hon. Evelyn Padin, U.S.D.J.
Hon. Andre M. Espinosa, U.S.M.J.

**ORDER COMPELLING DEPOSITION
OF WITOLD BAGINSKI**

Motion Date: March 17, 2025

THIS MATTER having been brought before the Court by O'Toole Scrivo, LLC, counsel for Plaintiffs, New Wallington Home, LLC and Morningside at Wallington, LLC, ("Plaintiffs"), upon a motion to enforce Plaintiffs' subpoena duces tecum to Witold Baginski ("Baginski"), and having considered the moving papers and documents attached thereto, and good cause having been shown;

IT IS ON THIS _____ day of _____, 2025;

ORDERED that Plaintiffs' motion to enforce the subpoena is **GRANTED**, and it is further;

ORDERED that Witold Baginski shall appear for deposition at the offices of Plaintiff's Counsel, O'Toole Scrivo, LLC, 14 Village Park Road, Cedar Grove, New Jersey no later than ten (10) days from the date of this Order; and it is further

ORDERED that if Baginski fails to comply with the subpoena within ten (10) days from this Order, following delivery and service via regular and certified mail of this Order, the Defendant may make an application for a warrant for the arrest of Baginski to be issued out of this Court without further notice; and it is further

ORDERED that this Order shall be deemed served on all counsel upon its execution and filing on ECF.

Hon. Andre M. Espinosa, U.S.M.J.